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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TOMAS CASTANEDA,)
)
Defendant.)
)
)

No. CR-09-00079-MHP
~~PROPOSED~~ ORDER AND
STIPULATION EXCLUDING TIME
FROM DECEMBER 7, 2009 TO
FEBRUARY 1, 2010, FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

On December 7, 2009, the Court held a status conference in the above-captioned matter. At that time, based on the request of the parties, the Court ordered the Probation Department to prepare a Pre-Plea report and set the matter for a change of plea hearing on February 1, 2010.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from December 7, 2009, through February 1, 2010.

The parties agree, and the Court finds and holds, as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act from

December 7, 2009, through February 1, 2010, based upon the need for effective preparation of counsel and to provide the Probation Office with adequate time to prepare a Pre-Plea Report. The defendant agrees to this exclusion on the condition that his right to bring motions claiming Speedy Trial Act violations prior to December 7, 2009, shall remain preserved.

2. Counsel for the defense believes that the exclusion of time is in his client's best interest.

3. Given these circumstances, the Court finds that the ends of justice served by excluding the period from December 7, 2009, through February 1, 2010, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4. Accordingly, and with the consent of the defendant, the Court orders the period from December 7, 2009, through February 1, 2010, shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

STIPULATED:

DATED: __12/10/09__

/s/
JOHN YZURDIAGA
Attorney for Defendant

DATED: __12/10/09__

/s/
AARON D. WEGNER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 11/16/2009

HON. MARILYN H. PATEL
United States District Judge

